SUMMARY OF RULE REVISIONS FOR NEW RULE 202

(PERMIT REQUIREMENTS FOR EARTHMOVING OPERATIONS)

Maricopa County is proposing New Rule 202 in order to describe the permitting requirements for earthmoving operations.

To publicly discuss New Rule 202, Maricopa County conducted Public Workshop #1 on May 21, 1998 and Public Workshop #2 on August 20, 1998. During these Public Workshops, attendees suggested that the language proposed in New Rule 202 agree with (and not contradict) the language already in Maricopa County Air Pollution Control Regulations Rule 200 (Permit Requirements) and Rule 310 (Open Fugitive Dust Sources). Consequently, Maricopa County has revised New Rule 202, so that the proposed language agrees with (and does not contradict) the language already in Rule 200 and in Rule 310.

Maricopa County conducted Public Workshop #3 on October 15, 1998. In New Rule 202 draft January 21, 1999, Maricopa County made revisions per comments made during and after Public Workshop #3. Such revisions are <u>double-underlined</u> below.

Maricopa County conducted Public Workshop #4 on January 21, 1999. In New Rule 202 draft February 18, 1999, Maricopa County made revisions per comments made during and after Public Workshop #4. Such revisions are in **bold text** below.

Maricopa County will conduct Public Workshop #5 on February 18, 1999 at 9 am in Maricopa County Air Quality Division offices located at 1001 North Central Avenue. During Public Workshop #5, Maricopa County will discuss any and all proposed revisions to New Rule 202, including the following:

- Title To Rule 202: Changed title from "Permit Requirements For Earthmoving Operations" to "Permit Requirements For Open Fugitive Dust Sources". In Rule 202 draft January 21, 1999, changed the title from "Permit Requirements For Open Fugitive Dust Sources" to "Permit Requirements For Earthmoving Operations".
- Section 101 (Purpose): Divided Section 101 into two subsections, Subsection 101.1 and Subsection 101.2. Subsection 101.1 describes the "general" purpose of Rule 202 and Subsection 101.2 describes the "specific" purpose of Rule 202. In Rule 202 draft January 21. 1999, deleted the list of fugitive dust sources described in Subsection 101.2 and combined Subsection 101.1 and Subsection 101.2. Consequently, Section 101 reads: "Purpose: Rule 202 describes the permit requirements for earthmoving operations".
- Section 102 (Applicability): Changed Section 102 as follows: "The provisions requirements of this rule are applicable to each source requiring an Earthmoving Permit, as identified in this rule. The standards for earthmoving operations are identified in Maricopa County Air Pollution Control Regulations Rule 310 (Open Fugitive Dust Sources). any dust generating operation and/or earthmoving operation that disturbs a total surface area of 0.10 acre or more. In addition to complying with the requirements of this rule, the responsible party shall also comply with any and all Federal laws, State laws, and/or others of these rules, particularly Rule 310 of these rules, as such other requirements apply". In Rule 202 draft January 21, 1999, deleted the text, "dust generating operation and/or", deleted the last sentence. ""In addition to complying with the requirements of this rule, the responsible party shall also comply with any and all Federal laws.

State laws, and/or others of these rules, particularly Rule 310 of these rules, as such other requirements apply". and added the text, "that is conducted for commercial, industrial, or institutional purposes and/or is conducted by any governmental entity". Section 102 reads: "Applicability: Rule 202 is applicable to any earthmoving operation, that is conducted for commercial, industrial, or institutional purposes and/or is conducted by any governmental entity, that disturbs a total surface area of 0.10 acre or more".

- Section 103 (Effective Date Of This Rule): Added Section 103 to draft Rule 202 October 15,1998. Section 103 reads: "Effective Date Of This Rule: Rule 202, adopted by the Board Of Supervisors on (date of Board adoption), shall be effective (the first day of the second month after the month of adoption)".
- Section 200 (Definitions): Added the following terms to Section 200. The definitions to such terms are the same definitions as used in Rule 310. The terms, "fugitive dust", "responsible party", and "routine operation and maintenance", are defined in draft Rule 202 October 15, 1998, as they were defined in draft Rule 202 August 20, 1998: access road, bulk material, control measure, dust control implement, dust control plan, dust generating operation, dust suppressant, earthmoving operation, gravel pad, grizzly, haul road, haul truck, normal farm cultural practice, open storage pile, public access roadways, stabilized surface, unpaved road, urban and suburban open area, vacant parcel, and work site. In Rule 202 draft February 18, 1999, deleted all terms and definitions from Section 200 and added the statement: "See Rule 100 (General Provisions And Definitions) of these rules and/or see Rule 310 (Open Fugitive Dust Sources) of these rules for definitions of terms used in this rule".
- <u>Section 201 (Definition Of Access Road)</u>: In Rule 202 draft January 21, 1999, changed, in Section 201, the text, "See Section 211 of this rule (definition of haul road)" to "See Section 220 (Definition Of Unpaved Haul/Access Road) of this rule".
- Section 202 (Definition Of Bulk Material): In Rule 202 draft January 21, 1999, defined, in Section 202, the acronym, ABC, as requested in EPA's written comments dated September 21, 1998. Section 202 reads: "Bulk Material Any material, including but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill aggregate, dirt, mud, demolition debris, cotton trash, aggregate base course (ABC), cinders/pumice, saw dust, feeds, grains, fertilizers, dry concrete, and any other organic and/or inorganic material, capable of producing fugitive dust".
- Subsection 203.1 (Definition Of Control Measure): In Rule 202 draft January 21, 1999,
 deleted Subsection 203.1(a) thru Subsection 203.1(j), divided Subsection 203.1 into Subsection 203.1 thru Subsection 203.5, and re-numbered the subsequent subsections.
- Subsection 203.4 (Definition Of Control Measure): In Rule 202 draft January 21, 1999, renumber Subsection 203.4 to Subsection 203.8 and changed the text, "urban and suburban open areas and vacant parcels" to the text, "open areas and vacant lots".
- Subsection 203.7 (Definition Of Control Measure): In Rule 202 draft January 21, 1999, renumber Subsection 203.7 to Subsection 203.11 and added the term, "effectively". What was Subsection 203.7 (which is now Subsection 203.11) reads: [Control measures may include but are not limited to:] Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved public access roadway to effectively control carry-out and trackout".
- Section 205 (Definition Of Dust Control Plan): In Rule 202 draft January 21, 1999, changed, in Section 205, the term, "report", to the term, "plan", deleted the text, "at a work site and/or in transit to and from a work site", and changed the reference to Rule 310 of these rules. Section 205 reads: "Dust Control Plan A written plan describing all control measures to be

implemented for any earthmoving operation and/or dust generating operation. The dust control plan shall, at a minimum, contain all information required in Rule 310 of these rules.

- Section 209 (Definition Of Fugitive Dust): In Rule 202 draft January 21, 1998, changed Section 209, as requested in EPA's written comments dated September 21, 1998. Section 209 matches the definition of "fugitive dust" in Code Of Federal Regulations (CFR) 52.128(b)(6). Section 209 reads: "Fugitive Dust The particulate matter entrained in the ambient air, which is caused from man-made and/or natural activities, such as but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines; from portable brazing, soldering, or welding equipment; and from piledrivers".
- <u>Section 211 (Definition Of Grizzly)</u>: In Rule 202 draft January 21, 1999, deleted, from Section 211, the term, "mechanical", and added the text, "(i.e., a metal plate or grate) used". Section 211 reads: "Grizzly A device (i.e., a metal plate or grate) used to dislodge mud. dirt. and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site".
- <u>Section 212 (Definition Of Haul Road): In Rule 202 draft January 21, 1999, deleted Section 212, "Haul Road Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic".</u>
- Section 215 (Definition Of Off-Road Vehicle): In Rule 202 draft January 21, 1999, added the definition of off-road vehicle. Section 215 reads (and matches the definition of off-road vehicle used in Rule 310 of these rules): "Off-Road Vehicle Any self propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies".
- Section 216 (Definition Of Open Areas And Vacant Lots): In Rule 202 draft January 21, 1999, added Section 216, in response to EPA's written comments dated September 21, 1998. Section 216 is a combination of the definition of "urban or suburban open area" and the definition of "vacant parcel". Section 216 reads: "Open Areas And Vacant Lots For the purpose of this rule, "open areas and vacant lots" means any of the following: An unsubdivided or undeveloped tract of land adjoining a residential, industrial, institutional, governmental, or commercial area: A subdivided residential, industrial, institutional, governmental, or commercial lot which contains no approved or permitted buildings or structures of a temporary or permanent nature; A partially developed residential, industrial, institutional, governmental, or commercial lot".
- Section 217 (Definition Of Responsible Party): In Rule 202 draft January 21, 1999, deleted the definition of responsible party. Wherever the term, responsible party, is used in Rule 202, used instead the text, "the property owner, lessee, developer, or general/prime contractor". This text is similar to the text currently used in Rule 200 (Permit Requirements) in Section 305 (Earth Moving Permit).
- <u>Section 219 (Definition Of Routine Operation And Maintenance)</u>: In Rule 202 draft January 21, 1999, added the definition of routine operation and maintenance. Section 219 reads: "Routine Operation And Maintenance A habitual practice or procedure used to keep a site in its existing state".
- <u>Section 219 (Definition Of Stabilized Surface): In Rule 202 draft January 21, 1999, deleted.</u> the definition of stabilized surface.

- Section 220 (Definition Of Unpaved Haul/Access Road): In Rule 202 draft January 21, 1999, added the definition of unpaved haul/access road, as requested in EPA's written comments dated September 21, 1998. Section 220 reads: "Unpaved Haul/Access Road: Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic".
- Section 221 (Definition Of Urban And Suburban Open Area): In Rule 202 draft January 21.
 1999. deleted the definition of urban and suburban open area.
- Section 222 (Definition Of Vacant Parcel): In Rule 202 draft January 21, 1999, deleted the definition of vacant parcel.
- Section 222 (Definition Of Vacant Lot): In Rule 202 draft January 21. 1999. added the definition of vacant lot. Section 222 reads (and matches the definition of vacant lot used in Rule 310 of these rules): "Vacant Lot See Section 216 (Definition Of Open Areas And Vacant Lots) of this rule".
- Section 223 (Definition Of Wind-Blown Dust): In Rule 202 draft January 21, 1999, added the definition of wind-blown dust. Section 223 reads (and matches the definition of wind-blown dust used in Rule 310 of these rules): "Wind-Blown Dust Visible emissions from any disturbed surface area which are generated by wind action alone".
- Section 224 (Definition Of Work Site): In Rule 202 draft January 21. 1999. deleted. from Section 224, the text, "The real", and added the text, "Any" and "and/or earthmoving operations". Section 224 reads: "Work Site Any property upon which dust generating operations and/or earthmoving operations occur".
- Section 300 (Standards): Moved all text found in Section 300 to Section 400 (Administrative Requirements) in draft Rule 202 October 15, 1998. Draft Rule 202, Section 300 October 15, 1998 reads: "See Maricopa County Air Pollution Control Regulations Rule 310 regarding standards for open fugitive dust sources". In Rule 202 draft January 21, 1999, added, to Section 300, Section 301 (Earthmoving Permit) and Section 302 (Earthmoving Permit Exemptions).
- Section 301 (Earthmoving Permit Requirements): Changed text of draft Rule 202, Section 301 - August 20, 1998 as follows and moved Section 301 to Section 401 in draft Rule 202 -October 15, 1998: "Earthmoving Permit Requirements Required: The responsible party must shall first obtain an Earthmoving Permit from the Control Officer before commencing any earthmoving operation dust generating operation and/or earthmoving operation that disturbs a total surface area of 0.10 acre or more. In addition to complying with the Earthmoving Permit requirements of this rule, the responsible party must shall also comply with the requirements of the Maricopa County Air Pollution Control Regulations Rule 310 (Open Fugitive Dust Sources)(i.e., permit requirements for dust generating operations, dust control plan requirements with Earthmoving Permit applications, dust control plan revision requirements, and dust control plan requirements with erosion-caused deposition of bulk material onto paved surfaces), as such requirements apply any and all Federal laws, State laws, and/or others of these rules, particularly Rule 310 of these rules, as such other requirements apply". In Rule 202 draft January 21, 1999. added Section 301 (Earthmoving Permit). Section 301 reads: Earthmoving Permit: Before commencing any earthmoving operation that disturbs a total surface area of 0.10 acre or more. the property owner, lessee, developer, or general/prime contractor shall first obtain an Earthmoving Permit from the Control Officer. The issuance of an Earthmoving Permit shall not relieve the property owner, lessee, developer, or general/prime contractor from compliance with any and all Federal laws, State laws, and/or others of these rules, particularly Rule 310 of these rules, as such other requirements apply. Likewise, any Federal law or any State law does not relieve the property owner, lessee, developer, or general/prime contractor from obtaining an Earthmoving Permit, according to this rule".

- Section 302 (Annual Block Permit Requirements): Changed text of draft Rule 202, Section 302 - August 20, 1998 as follows and moved Section 302 to Section 405 in draft Rule 202 -October 15, 1998: "Earthmoving Permit Annual Block Permit Requirements: The responsible party responsible for more than one earthmoving operation consisting of routine operation and maintenance of paved roads, unpaved roads, road shoulders and/or alleys and public right of ways, water delivery systems, and canals, and the expansion or extension of utility/communications lines, may submit one Earthmoving Permit application covering multiple sites at which construction will commence within 12 months of permit issuance, provided that-302.1 The applicant submits to the Control Officer a dust control plan, which meets the requirements of Rule 310 of these rules and applies to all sites; and 302.2 The applicant submits to the Control Officer a list of all sites in writing, including the location, size of each site. and type of activity, with the application; and 302.3 For any project not listed in the application the applicant notifies the Control Officer in writing at least three working days prior to commencing the earthmoving operation. The notice shall include the site locations, size, type of activity, and start date Subsections 405.1 and 405.2 of this rule are followed. If the Control Officer approves and issues such Earthmoving Permit, such permit is considered an Earthmoving Permit Annual Block Permit. The following are examples of operations for which the Control Officer may issue an Earthmoving Permit Annual Block Permit: public works activities; routine operation and maintenance of paved roads, unpaved roads, road shoulders and/or alleys and public right of ways; water delivery systems and canals; and the expansion or extension of utility/communications lines. 405.1 The applicant must submit, to the Control Officer, a dust control plan, which meets the requirements of Section 404 of this rule and which applies to all sites; and 405.2 The applicant must submit, in writing to the Control Officer a list of all sites, including the location, size of each site, and type of activity, with the application. 405.3 The responsible party may commence any earthmoving operation(s) not listed in the Earthmoving Permit Annual Block Permit, only after the responsible party has notified the Control Officer in writing at least three working days prior to commencing such earthmoving operation(s). The notice shall include the site locations, size, type of activity, and start date". In Rule 202 draft January 21, 1999, added Section 302 (Earthmoving Permit Exemptions). Section 302 reads: "Earthmoving Permit Exemptions: The property owner, lessee, developer, or general/prime contractor shall not be required to obtain an Earthmoving Permit, in order to conduct the activities described in Subsection 302.1 thru Subsection 302.13 of this rule. However, if conducting such activities without an Earthmoving Permit would result in a violation of the Clean Air Act, then the property owner, lessee, developer, or general/prime contractor shall obtain the appropriate permit(s). The property owner, lessee, developer, or general/prime contractor, who is exempt from obtaining an Earthmoving Permit according to this rule, shall still comply with all other applicable requirements of these rules, of any State laws, and of any Federal laws". The following activities are listed/described under Section 302 (Earthmoving Permit Exemptions): Normal Farm Cultural Practices, Rock Products-Type Operations And Landfill Operations, Earthmoving Operations Conducted By A Homeowner, Emergency Repair Of Utilities, Payed Roads, Unpayed Roads, Shoulders, And/Or Alleys, Life-Threatening Situations, Outages And Emergency Disruptions Of Essential Service Utilities, Maintenance Of Flood Control Channels And Water Retention Basins, Vehicle Testing And Development Facilities And Operations, Weed Abatement, Application Of Herbicides, Routine Operation And Maintenance. Cattle Feedlots And Livestock Areas. Unpaved Haul/Access Roads.
- Subsection 302.2 (Earthmoving Permit Exemptions-Rock Products-Type Operations And Landfill Operations): In Rule 202 draft February 18, 1999, deleted, from Subsection 302.2, all references to landfill operations.
- Subsection 302.9 (Earthmoving Permit Exemptions-Weed Abatement): In Rule 202 draft February 18, 1999, changed the last sentence of Subsection 302.9 as follows: "However, such cutting, mowing, and/or other similar processes, when completed, must allow no less—

than 3 inches of groundcover to remain above the soil surface the root structure of the groundcover to remain intact, so as to maintain a stabilized surface".

- Subsection 302.11 (Earthmoving Permit Exemptions-Routine Operation And Maintenance): In Rule 202 draft February 18, 1999, changed, in Subsection 302.11, all references to "routine operation and maintenance" to "routine landscape maintenance".
- Subsection 302.13 (Earthmoving Permit Exemptions-Unpaved Haul/Access Roads): In Rule 202 draft February 18, 1999, added, to the end of the first sentence in Subsection 302.13, the texts, "that are associated with any industrial, commercial, institutional, and/or governmental related activity".
- Section 303 (Exemptions): Changed text of draft Rule 202, Section 303 August 20, 1998 as follows (deleted such text from draft Rule 310 - May 11, 1998) and moved Section 303 to Section 402 in draft Rule 202 - October 15, 1998: "303 402 Earthmoving Permit Exemptions: 303.1 402.1 As required in Arizona Revised Statutes (ARS) §49-504.4, normal farm cultural practices are not required to obtain subject to an Earthmoving Permit. However, normal farm cultural practices could be subject to a permit under Title V of the Act (Permits) or could be subject to standards under 40 Code Of Federal Regulations (CFR) Part 60 (New Source Performance Standards) or Part 61 (Federal Hazardous Air Pollutant Program). 303.2 402.2 Rock processing, sand and gravel operations, mining, landfill operations, and any other operations, which are required to obtain subject to a Title V permit or a Non-Title V permit, are not required to obtain subject to an Earthmoving Permit. 402.3 Earthmoving operations conducted by a homeowner for individual residential purposes are not subject to an Earthmoving Permit. 402.4 Earthmoving operations conducted for emergency repair of utilities, paved roads, unpaved roads, shoulders, and/or alleys are not subject to an Earthmoving Permit. 402.5 Earthmoving operations conducted during emergency, life threatening situations or in conjunction with any officially declared disaster or state of emergency are not subject to an Earthmoving Permit. 402.6 Earthmoving operations conducted by essential service utilities to provide electricity, natural gas, oil, and gas transmission, cable television, telephone, water, and sewerage, during service outages and emergency disruptions, are not subject to an Earthmoving Permit. 402.7 Earthmoving operations conducted for non-routine or emergency maintenance of flood control channels and water retention basins are not subject to an Earthmoving Permit. 402.8 Earthmoving operations conducted for vehicle testing and development facilities and operations, when dust is required to test and validate design integrity, product quality, and/or commercial acceptance and when such testing is not feasible within enclosed facilities, are not subject to an Earthmoving Permit. 402.9 Earthmoving operations conducted for weed abatement operations performed on any vacant parcel or property for aesthetics, the control of a potential fire hazard, or otherwise unhealthy condition, provided that mowing, cutting, or other similar process is used to maintain weed stubble at least three inches above the soil surface, are not subject to an Earthmoving Permit. 402.10 Earthmoving operations conducted for the application of herbicides are not subject to an Earthmoving Permit, provided that the clean-up of any debris does not disturb the soil surface. 402.11 Earthmoving operations conducted for routine landscape maintenance are not subject to an Earthmoving Permit. For the purposes of this rule, "routine landscape maintenance" does not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes". In Rule 202 draft January 21, 1999, moved Section 303 (Exemptions) to Section 302 (Earthmoving Permit Exemptions).
- Section 401 (Earthmoving Permit Applications): Changed text of draft Rule 202, Section 401 August 20, 1998 as follows and moved Section 401 to Section 403 in draft Rule 202 October 15, 1998: "Earthmoving Permit Applications Application: The responsible party shall file, with the Control Officer and on a form prescribed by the Control Officer, an Earthmoving Permit application, a dust control plan as described in Rule 310 of these rules Section 404 of this rule,

and the complete full application fee as described in Rule 280 of these rules. The Control Officer shall act on an Earthmoving Permit application or on an Earthmoving Permit revision application and shall notify the applicant within 14 calendar days of the filing of the completed application". In Rule 202 draft January 21, 1999, changed Section 401 to read: "Earthmoving Permit Application: The property owner, lessee, developer, or general/prime contractor shall file. with the Control Officer and on a form prescribed by the Control Officer, an Earthmoving Permit application. The Earthmoving Permit application shall include a dust control plan, as described in Rule 310 of these rules, and the full application fee, as described in Rule 280 of these rules. The Control Officer shall act on an Earthmoving Permit application and shall notify the applicant, within 14 calendar days of the filing of the completed application". Added Subsection 401.1 and Subsection 401.2. Subsection 401.1 reads: "Annual Block Permit: The property owner, lessee, developer, or general/prime contractor responsible for more than one earthmoving operation may submit, to the Control Officer, one Earthmoving Permit application. Such Earthmoving Permit application must include a dust control plan, which meets the requirements of Rule 310 of these rules, and a description of the location and size of each site and type of activity to be conducted at each site within 12 months of permit issuance. If the Control Officer approves and issues such Earthmoving Permit, such permit is considered an Earthmoving Permit Annual Block Permit. The conditions and requirements of an Earthmoving Permit Annual Block Permit are the same as those condition and requirements described in Section 402 thru Section 408 of this rule". Subsection 401.2 reads: "General Permit: The property owner, lessee, developer, or general/prime contractor may apply for authority to operate under a General Permit, in accordance with Rule 230 of these rules".

- Subsection 401.1 (Earthmoving Permit Application-Annual Block Permit): In Rule 202 draft February 18, 1999, added, to the first sentence of Subsection 401.1, the text, "which consists of routine operation, maintenance, and expansion or extension of utilities, paved roads, unpaved roads, road shoulders and/or alleys, and public rights-of-way at noncontiguous sites". Moved the second sentence of Subsection 401.1, "Such Earthmoving Permit application must include a dust control plan, which meets the requirements of Rule 310 of these rules, and a description of the location and size of each site and type of activity to be conducted at each site within 12 months of permit issuance", to Subsection 401.1(a). Moved the last sentence of Subsection 401.1, "The conditions and requirements of an Earthmoving Permit Annual Block Permit are the same as those conditions and requirements described in Section 402 thru Section 408 of this rule", to Subsection 401.1(c). Added Subsection 401.1(b), "For any project not listed in the Earthmoving Permit Annual Block Permit application, the applicant must notify the Control Officer in writing at least three working days prior to commencing the earthmoving operation. Such notification shall include the site location, size, type of activity, and start date".
- Subsection 401.2 (Earthmoving Permit Application-General Permit): In Rule 202 draft February 18, 1999, added, to end of Subsection 401.2, the text, "if applicable".
- Section 402 (Earthmoving Permit Conditions): Moved Section 402 to Section 406 in draft Rule 202 October 15, 1998; Did <u>not</u> change the text. <u>In Rule 202 draft January 21, 1999, added Section 402 (Dust Control Plan).</u> Section 402 reads: "Dust Control Plan: The property owner, lessee, developer, or general/prime contractor shall submit, to the Control Officer, a dust control plan with any Earthmoving Permit application. The dust control plan shall contain, at a minimum, all the information as described in Rule 310 of these rules. In addition, the property owner, lessee, developer, or general/prime contractor shall submit, to the Control Officer, a revised dust control plan, if such property owner, lessee, developer, or general/prime contractor causes, suffers, allows, or engages in any dust generating operation, any earthmoving operation, any use of any property, or any other operation, which causes fugitive dust to be transported off the property on which such operation is located". In Rule 202 draft February 18, 1999, deleted

Section 402 (Dust Control Plan), because a Dust Control Plan is mentioned in Section 401, which directs the reader to Rule 310 for more details.

- Section 403 (Earthmoving Permit Denial): Moved Section 403 to Section 409 in draft Rule 202 October 15, 1998; Did <u>not</u> change the text. <u>In Rule 202 draft January 21, 1999, added Section 403 (Earthmoving Permit Conditions). Section 403 reads: "Earthmoving Permit Conditions: The Control Officer may impose any permit conditions that are necessary to ensure compliance with Federal laws. State laws, or these rules. Orders issued or permit conditions imposed pursuant to this rule shall be appealable to the hearing board in the same manner as that prescribed in Rule 400 of these rules, in ARS §49-511, in ARS §49-490, and in ARS §49-482".
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- Section 404 (Earthmoving Permit Term): Changed text as follows and moved Section 404 to Section 410 in draft Rule 202 October 15, 1998: "Earthmoving Permit Term: An Earthmoving Permit issued pursuant to this rule shall be valid for one year from the date of issuance. Should the dust generating operation and/or earthmoving operation last longer than one year from the date the Earthmoving Permit is issued, the applicant responsible party shall apply for a new Earthmoving Permit at least 14 calendar days prior to the expiration date of the original Earthmoving Permit.". Added Section 404 to draft Rule 202 October 15, 1998 from draft Rule 310 May 11, 1998. Deleted such text from draft Rule 310 May 11, 1998. In Rule 202 draft January 21, 1999, added Section 404 (Earthmoving Permit And Dust Control Plan Posting). Section 404 reads: "Earthmoving Permit And Dust Control Plan Posting: A copy of the Earthmoving Permit, as well as the approved dust control plan, must be posted in a conspicuous location at the work site, within on-site equipment, in an on-site vehicle, or otherwise kept readily available on-site at all times".
- Section 405 (Earthmoving Permit Fees Required): Changed text as follows and moved Section 405 to Section 411 in draft Rule 202 October 15, 1998: "Earthmoving Permit Fees Required: Persons subject to this rule, The responsible party shall pay the fees required fees as set forth in Rule 280 of these rules. In Rule 202 draft January 21, 1999, added Section 405 (Project Information Sign). Section 405 reads: "Project Information Sign: A project information sign shall be erected at the main entrance, that is visible to the public, of all active construction sites, that are five acres or larger and that have been issued an Earthmoving Permit in accordance with this rule. Such sign shall be a minimum of four feet long by four feet wide, have a white background, have black block lettering, which is, at least, four inches high, and shall contain the following information: 405.1 Project name; 405.2 Permittee name and phone number; 405.3 Earthmoving Permit number; and 405.4 Maricopa County Environmental Services Department Complaint Line phone number". In Rule 202 draft February 18, 1999, deleted Section 405 (Project Information Sign). Added the requirements for a project information sign to Rule 310 (Open Fugitive Dust Sources).
- Section 406 (Earthmoving Permit Denial): In Rule 202 draft January 21, 1999, added Section 406. Section 406 reads: "Earthmoving Permit Denial: The Control Officer shall deny an Earthmoving Permit, if fugitive dust will be emitted or will be caused to be emitted in violation of Rule 310 of these rules and/or if the dust control plan fails to meet the criteria described in Rule 310 of these rules. If the Control Officer denies the Earthmoving Permit, the Control Officer will notify the applicant in writing and will state the reasons for such denial". Deleted the last sentence of Subsection 406, "The Control Officer shall not accept a further Earthmoving Permit application nor a further Earthmoving Permit revision application, unless the applicant has corrected the circumstances for which the Control Officer has denied the Earthmoving Permit or the Earthmoving Permit revision".
- Section 407 (Earthmoving Permit And Dust Control Plan Posting Required): Added Section 407 to draft Rule 202 October 15, 1998 from draft Rule 310 May 11, 1998. Deleted such text

from draft Rule 310 - May 11, 1998. In Rule 202 draft January 21, 1999, added Section 407. Section 407 reads: "Earthmoving Permit Term: An Earthmoving Permit issued, pursuant to this rule, shall be valid for one year from the date of issuance. Each issued Earthmoving Permit shall include a provision that specifies the conditions under which the Earthmoving Permit will be re-opened, prior to the expiration date of such Earthmoving Permit". Deleted the last sentence of Section 407, "Should the dust generating operation and/or earthmoving operation last longer than one year from the date the Earthmoving Permit is issued, the responsible party shall apply for a new Earthmoving Permit at least 14 calendar days prior to the expiration date of the original Earthmoving Permit", and added the last sentence, "Each issued Earthmoving Permit shall include a provision that specifies the conditions under which the Earthmoving Permit will be reopened, prior to the expiration date of such Earthmoving Permit".

- Section 408 (Project Information Sign Required): Added Section 408 to draft Rule 202 October 15, 1998 from draft Rule 310 May 11, 1998. Deleted such text from draft Rule 310 May 11, 1998. In Rule 202 draft January 21, 1999, added Section 408 (Earthmoving Permit Fees). Section 408 reads: Earthmoving Permit Fees: The property owner, lessee, developer, or general/prime contractor shall pay the required fees as set forth in Rule 280 of these rules".
- Section 501 (Recordkeeping): Added Section 501 to draft Rule 202 October 15, 1998 from draft Rule 310 May 11, 1998. Deleted such text from draft Rule 310 May 11, 1998. In Rule 202 draft January 21, 1999, changed Section 501 to read: "Recordkeeping: The property owner, lessee, developer, or general/prime contractor shall keep records, as required by Rule 310 of these rules. Such records and supporting documentation shall be kept on-site and made available for review upon request by the Control Officer". In Rule 202 draft February 18, 1999, deleted the last sentence of Section 501, "Such records and supporting documentation shall be kept on-site and made available for review upon request by the Control Officer".
- Section 502 (Records Retention): Added Section 502 to draft Rule 202 October 15, 1998 from draft Rule 310 May 11, 1998. Deleted such text from draft Rule 310 May 11, 1998. In Rule 202 draft January 21, 1999, changed Section 502 to read: "Records Retention: The property owner, lessee, developer, or general/prime contractor shall retain records, as required by Rule 310 of these rules".